

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5298 of 2024

Arising Out of PS. Case No.-2776 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Jaylal Prasad S/O Harihar Sah R/O Mohalla Moje Ward No. 13 Raxaul, P.S-
Raxaul, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi W/O Satyapal Prasad R/O Mohalla Naga Road, Ward No. 22,
P.S- Raxaul, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Binod Kumar Mishra, Adv.
For the Opposite Party/s :	Mr. Sunil Kumar Pandey, APP
	Ms. Rashmi Jha, Adv.
	Mr. Abhishek Kumar, Adv.
	Mr. Sharad Kumar Verma, Adv.
	Mr. Sagar Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Trial
No. 299 of 2022 arising out of Complaint Case No. C-2776 of
2019 instituted for the offences under Section 406, 409, 420,
467, 468, 120(B), 323, 327, 341, 354, 354(B), 384, 387, 427 of
the Indian Penal Code.

3. Earlier the petitioner has moved before this Court
with a prayer for anticipatory bail which was dismissed as
withdrawn vide order dated 24.08.2023 passed in Cr. Misc. No.



9180 of 2023.

4. As per complaint case, the petitioner along with other accused persons is alleged to have taken Rs. 21,55,000/- from the Complainant in lieu of providing 3 BHK flat in Green City but, neither the flat was handed over to the Complainant nor money has been returned to her.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the petitioner is a worker of alleged Green City Ltd. and all the money was taken by the proprietor Santosh Kumar for which a certificate was also given by the co-accused Santosh Kumar. The petitioner has no concern with the alleged occurrence and, thus, from the evidences, no case for any offence is made out against the petitioner. The petitioner was only an agent in the Company. He further submits that the petitioner has already left the job in the year 2016 itself and No Dues Certificate has already been issued in his favour from the Company. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 30.09.2023.

6. Learned counsel for the petitioner again submits



that the similarly situated co-accused Vikash Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 8168 of 2023.

7. Learned A.P.P. for the State as well as the opposite party no.2 has opposed the prayer for grant of bail to the petitioner. It has also been submitted that the owner of the Company is ready to pay the entire dues to the Complainant.

8. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also considering the prayer for bail based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Trial No. 299 of 2022 arising out of Complaint Case No. C-2776 of 2019 .

(Rudra Prakash Mishra, J)

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